

REMARKS

Claims 23-30 remain pending in the application.

Claims 23-25 and 28 over Will in view of Mitchell

Claims 23-25 and 28 were rejected under 35 USC 103(a) as allegedly being obvious over U.S. Patent No. 5,892,817 to Will ("Will") in view of U.S. Patent No. 5,966,671 to Mitchell et al. ("Mitchell"). The Applicants respectfully traverse the rejection.

Claims 23 and 24 recite a monitoring module to determine a presence of a user of a telephone answering device when a piconet device uniquely associated with the user is present in a piconet including a wireless piconet front end of the telephone answering device, wherein the telephone answering device automatically answers an incoming call when the monitoring module determines that the user is not present, and allows additional rings when the user is present.

Claims 25 and 28 recite a system and method of searching for a presence of a user of a telephone answering device via a piconet communications device associated with the user's presence, automatically answering a telephone call if the user is not present, and allowing the telephone call to continue to ring if the user is present as determined by a presence of the piconet communications device associated with the user's presence.

Thus, claims 23-25 and 28 recite a conditional automatic anwering of a call and allowing ringing, the condition being if a user is determined as being present or not present. The recited presence determined through piconet communications.

The Examiner alleges that Will discloses a telephone answering device comprising a wireless piconet front end, with the Examiner pointing to Will's units #7 and 8 (see Office Action, page 2). However, Will's units #7 and 8 are simply disclosed as being wireless not piconet devices, a term of art. Thus, contrary to the Examiner's allegation Will fails to disclose a telephone answering device comprising a wireless piconet front end and a piconet communications device, as recited by claims 23-25 and 28.

The Examiner alleges that Will discloses a telephone answering device that automatically answers an incoming call when a monitoring module determines that a user is not present, and allows additional rings when the user is present at col. 2, lines 30-67 and col. 3, lines 1-33 (see Office Action, page 3).

Will at col. 2, lines 30-58 discloses prior art relative to Will's invention. Will at col. 2, lines 30-58 disclose U.S. Patent No. 5,469,496. U.S. Patent No. 5,469,496 is relied on by Will to disclose a "base station waits for a certain specified number of rings and then, if the handset has not answered, the call is redirected to a different line or service, such as transferring the call to a secretary's line or to a voicemail system or answering machine. The base station waits for a certain specified number of rings and then, if the handset has not answered, the call is redirected to a different line or service, such as transferring the call to a secretary's line or to a voicemail system or answering machine." Thus, Will at col. 2, lines 30-58 simply discloses prior art, prior art relevant to Will's invention, directing a call to an answering service if the call is not answered after a certain number of rings. Thus, contrary to the Examiner's allegation U.S. Patent No. 5,469,496 fails to disclose or suggest using a piconet, much less disclose use of a piconet to determine a presence of a user, the presence of the user used to determine if a call should automatically be answered when the user is not present and ringing a user when a user is present, as recited by claims 23-25 and 28.

Will at col. 60-67 discloses a *Summary of the Invention* that reads "The goal of the invention disclosed here is to provide a means for indicating an incoming telephone call to some individuals, but in such a way as to avoid disturbing other individuals, such as customers in a store, who have no need or desire to be interrupted by a loud ringing. This system is designed specifically for applications in which a group of people are responsible for answering a single telephone line." Thus, contrary to the Examiner's allegation Will at col. 60-67 fails to disclose or suggest using a piconet in any way, much less disclose a piconet to determine a presence of a user, the presence of the user used to determine if a call should automatically be answered when the user is not

present and ringing a user when a user is present, as recited by claims 23-25 and 28.

The Examiner acknowledged that Will fails to disclose a digital answering machine (see Office Action, page 3). The Examiner alleges that Mitchell discloses a transceiver and a digital answering machine at Fig. 5 and col. 4, lines 18-33.

Mitchell's invention is directed toward easing control of functions of a mobile phone with actuator switches positioned on a side of the mobile phone (see Mitchell, Abstract; Figs. 1-4). Mitchell fails to disclose or suggest anything relating to controlling how to answer a call based on a user's presence, much less based on a piconet, as recited by claims 23-25 and 28.

Thus, Will modified by Mitchell would still fail to disclose or suggest a piconet to determine a presence of a user, the presence of the user used to determine if a call should automatically be answered when the user is not present and ringing a user when a user is present, as recited by claims 23-25 and 28.

A benefit of a piconet to determine a presence of a user, the presence of the user used to determine if a call should automatically be answered when the user is not present and ringing a user when a user is present is, e.g., automating activation/deactivation of a telephone answering device. When users are not near their telephone answering device, such as when they are at work, a user is unable to answer incoming calls and would prefer to have their telephone answer device quickly answer incoming calls without ringing to the convenience of the caller. However, when a user is near their telephone answering device, such as when they come home from work, a user would prefer to have their telephone answering device ring through to allow a user time to answering the incoming call. The cited prior art fails to disclose or suggest the claimed features having such benefits.

Accordingly, for at least all the above reasons, claims 23-25 and 28 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 26, 27, 29 and 30 over Will in view of Mitchell and Anderson

Claims 26, 27, 29 and 30 were rejected under 35 USC 103(a) as allegedly being obvious over Will in view of Mitchell, and further in view of U.S. Patent No. 6,594,370 to Anderson ("Anderson"). The Applicants respectfully traverse the rejection.

Claims 26, 27, 29 and 30 recite a system and method of searching for a presence of a user of a telephone answering device via a piconet communications device associated with the user's presence, automatically answering a telephone call if the user is not present, and allowing the telephone call to continue to ring if the user is present as determined by a presence of the piconet communications device associated with the user's presence.

The Examiner relies on Anderson to disclose a personal communication system that includes jewelry such as an earpiece, wristwatch and purse worn by a user (see Office Action, page 4). However, a thorough reading of Anderson fails to use such jewelry to determine a presence of a user, the presence of the user used to determine if a call should automatically be answered when the user is not present and ringing a user when a user is present, much less based on a piconet, as recited by claims 26, 27, 29 and 30.

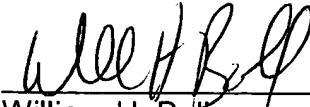
Thus, Will modified by Mitchell and Anderson would still fail to disclose or suggest a piconet to determine a presence of a user, the presence of the user used to determine if a call should automatically be answered when the user is not present and ringing a user when a user is present, as recited by claims 26, 27, 29 and 30.

Accordingly, for at least all the above reasons, claims 26, 27, 29 and 30 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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